

Remarks

Claims 1-70 are pending in the Application.

Claims 1, 3, 6-15, 17, 20-26, 30, 31, 34, 35, 37-46, 48-56, 69 and 70 stand rejected.

Claims 2, 4, 5, 16, 18, 19, 27-29, 32, 33, 36 and 47 are objected to.

Claims 2, 27 and 57-68 are cancelled herein without prejudice.

Claims 1, 9, 16, 18, 26, 28, 31, 33, 35, 36, 47, 69 and 70 are amended herein.

I. RESTRICTION REQUIREMENT

In response to the Examiner's restriction requirement, Applicant affirms its election, without traverse, to prosecute the invention of Group I, Claims 1-56, 69 and 70. Accordingly, Applicant has cancelled Claims 57-68 without prejudice.

II. OBJECTED TO CLAIMS

Examiner indicated that Claims 2, 4, 5, 16, 18, 19, 27-29, 32, 33, 36 and 47 were objected to. Although no reason was given, it is expected that the reason is that the claims are dependent upon a rejected base claim and would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Applicant has amended Claims 1 and 26 to now include the elements of Claims 2 and 27, respectively. Applicant has also cancelled Claims 2 and 27. Accordingly, Applicant respectfully submits that Claims 1 and 26 are now in allowable form.

As to Claims 16 and 18, Applicant has rewritten these in independent form to include all limitations of the claims from which each respectively depends. Applicant further respectfully submits that Claims 16 and 18 are now in allowable form.

As to Claims 4-5, these depend from amended Claim 1, which is now in allowable form.

As to Claim 19, it depends from Claim 18, which as discussed above, Applicant has now rewritten in allowable form.

As to Claims 28, 33 and 36, these claims were originally drafted to depend from Claim 27, which Applicant has incorporated such elements of Claim 27 into independent Claim 26. Applicant has herein amended Claims 29, 33, and 36 to now depend directly from Claim 26. Claim 47 depends from Claim 45, which itself depends from Claim 26. As noted above, Applicant has amended Claim 26 to be in allowable form. Accordingly, each of Claims 28, 33, 36, and 47 now depend from a claim in allowable form.

Accordingly, as all of the objected to Claims 4, 5, 16, 18, 19, 28-29, 32, 33, 36 and 47 are no longer dependent upon a rejected base claim, Applicant respectfully requests the Examiner to withdraw his objections.

III. CLAIM REJECTIONS—35 USC §§ 102 & 103

The Examiner has rejected: (i) Claims 1, 3, 6-14, 20-26, 30, 31, 34, 35, 37-45, 48-56, 69 and 70 under 35 U.S.C. 102(a) as being anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Zimmerman *et al.*, *Chem. Mater.* **12**, 1361-1366 (2000) ("*Zimmerman*"); (ii) Claim 69 under 35 U.S.C. 102(b) as being anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Zimmerman*; (iii) Claims 1, 6-15, 17, 20-26, 37-46, 48, 51-56, 69 and 70 under 35 U.S.C. 102(a) as being anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iljin Nanotech Co. European Patent Application EP 1 061 042 A1 filed June 13, 2000 ("*EP'042*"); and (iv) Claims 1, 6-8, 11-15, 17, and 37-39 under 35 U.S.C. 102(a) as being anticipated by *EP'042*. Office Action at 3-4.

As noted above in Section II, Applicant has amended independent Claims 1 and 26 to incorporate the elements of Claim 2 and 27, respectively. As such, revised Claims 1 and 26 now are in allowable form, including in view of the prior art rejections recited above. Accordingly, Applicant respectfully asks the Examiner to withdraw his rejections of these claims and their dependent claims (Claims 3, 6-14, 20-25, 30, 31, 34, 35, 37-45, and 48-56).

As to Claims 69 and 70, Applicant has revised these claims to include the limitation wherein “the oxidizing gaseous atmosphere comprises a gas selected from the group consisting of oxygen, carbon dioxide and mixtures thereof.” This limitation is substantially the same as the limitations of Claims 2 and 27 that were incorporated in Claims 1 and 26, respectively. Accordingly, for the same reasons that the Examiner has indicated revised Claims 1 and 26 are allowable, Claims 69 and 70 are similarly not anticipated and not obvious in view of *Zimmerman* and in view of *EP '042*. Applicant, thus, respectfully requests the Examiner to withdraw his rejections of these claims.

As a result of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections to (a) Claim 1, as amended, Claims 3, 6-15, 17, 20-25, which are dependent on Claim 1; (b) Claim 26, as amended, Claims 30, 31, 34, 35, 37-46, and 48-56, which are dependent on Claim 26; (c) Claim 69, as amended; and (d) Claim 70, as amended, as being anticipated by, or, in the alternative, as being obvious over, *Zimmerman* and, independently, *EP '042*.

IV. OTHER CLAIM AMENDMENTS

Examiner noted that “Claim 18 should say ‘further comprises...’.” Office Action, at 3. Applicant has amended Claim 18 according to Examiner's note.

Claim 9 was amended to correct the spelling of “containng” to --containing--

Claims 16 and 47 were amended to correct the spelling of “wheren” to --wherein--

Claims 31 and 35 were amended to insert --a-- before and --of-- after the term “concentration”.

V. CONCLUSION


As a result of the foregoing, it is asserted by Applicant that the Claims in the Application are now in a condition for allowance, and respectfully requests allowance of such Claims. Applicant believes that no further fees are due. However, the Director is authorized to debit any amounts due by this paper to Deposit Account No. 23-2426 of Winstead Sechrest &

Minick P.C. Applicant respectfully requests that Applicant's attorney be called at the below listed number should there be any questions relating to this matter.

Respectfully submitted,

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